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ATTORNEY GENERAL

January 5, 1977

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ARIZONA ATTORNEY GENERAL

Mr. William R. Stevens, Jr.
Chief Criminal Deputy
Pima County Attorney's Office
900 Pima County Courts Building
Tucson, Arizona 85701

Dear Mr. Stevens:

Re: 77-2 (R76-410, R76-468)

In your letter to us dated September 23, 1976, you asked us to interpret A.R.S. § 16-423 B and E together with § 16-425 (Campaign Finance Disclosure Laws).

The facts set forth in your opinion request are that a certain organization hired an experienced political organizer to direct and run the organization. That paid individual, in turn, gave "free" advice to those candidates supported by that organization. That organization also paid for a poll of voters and made the results of the survey available to those candidates.

A.R.S. § 16-423 B provides:

The statements of contributions and expenditures shall set forth in detail a complete record of each of the candidate's contributions in money or things which has a monetary value in excess of twenty-five dollars including promises to pay, either present or future, intended for the purpose of aiding or which could have had a tendency to aid the success in the primary election of the candidate submitting the statement and an itemized statement of all expenditures, and shall include like statements for each of the persons named by the candidate as authorized to receive contributions and expend money or other things of value in his interest. Such statements shall also include the name and address of the contributor regardless of whether the contribution was made by an individual or otherwise.

The statute provides that the statement of contributions and expenditures shall set forth in detail contributions if the following elements are present:

1. They must be money or things which have a monetary value in excess of twenty-five dollars.
2. The contributions are for the purpose of aiding or which could have a tendency of aiding the success in the primary election of the candidate required to submit the statement.

At the outset, it is not disputed that the advice and the poll results were given "free" to the candidates and that therefore they were contributions to these candidates. It is also unquestioned that the advice and poll results were contributed for the purpose of aiding and had a tendency of aiding the success of these candidates in the primary election.

The remaining issue is whether the "advice" and "poll results" constitute "money or things which had a monetary value in excess of twenty-five dollars."

The word "things" is very broad. It has been defined as "that which is or may become the object of thought; that which has existence or is conceived as having existence; any object, substance, attribute, idea, fact, circumstance, event, etc." U.S. v. Somers, 164 F. 259, 261, quoting and adopting definition in Century Dictionary.

It is therefore abundantly clear that "advice" and "poll results" are "things".

The next question is whether these contributions are of "monetary value in excess of twenty-five dollars". Since the person giving the advice was paid in money by the organization, and since the facts show that the polls were paid for by the organization, these contributions are "monetary".*

*Websters New Twentieth Century Dictionary defines "monetary" as "pertaining to money or consisting of money; financial".

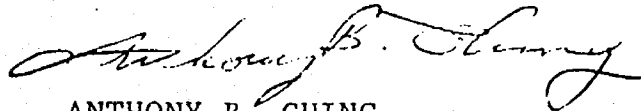
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The remaining question is whether these contributions exceed "twenty-five dollars". That question can only be answered by an examination into the expenditures of that organization, e.g., if the organization spent \$10,000 for the polls and ten candidates received the results of polls, obviously each one of them received a "thing" of more than twenty-five dollars. Again, if the experienced political organizer was paid \$10,000 and he advised ten candidates, his advice to each candidate is certainly a "thing" of more than twenty-five dollars.

We trust that our answer is helpful to you.

Very truly yours,

BRUCE E. BABBITT
Attorney General



ANTHONY B. CHING
Chief Counsel, Economic
Protection Division

ABC:cl

cc: Senator Morris Farr

cc: [unclear]

cc: [unclear]
and